

**Court No. - 43**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 18486 of 2023

**Petitioner :-** Smt. Raj Kumari And 7 Others

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Ramesh Chandra Upadhyay

**Counsel for Respondent :-** G.A.,Brij Bhushan

Upadhyay,Dhirendra Kumar Verma,Srawan Kumar Swarnkar

**Hon'ble Anjani Kumar Mishra,J.**

**Hon'ble Arun Kumar Singh Deshwal,J.**

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the petitioners, learned counsel for the first informant and learned AGA for the State.
3. The writ petition seeks quashing of the F.I.R. dated 19.09.2023 giving rise to Case Crime No. 124 of 2023, under Sections 498A, 323, 504, 506 I.P.C. and Section 3/4 of D.P. Act, Police Station- Pinhat, District- Agra.
4. The contention of learned counsel for the petitioners is that in a matrimonial dispute, on the basis of general allegations, the entire family has been falsely implicated by means of the impugned FIR.
5. Upon hearing learned counsel for the petitioners, learned counsel for the first informant and learned AGA for the State and on perusal of the impugned First Information Report, we find that the FIR discloses serious and direct allegations against petitioner no. 3. The writ petition on behalf of petitioner no. 3 is not liable to be entertained. The petition, is therefore, being entertained only on behalf of petitioner nos. 1, 2, 4, 5, 6, 7 and 8 against whom general allegations are levelled.
6. Learned counsel for the respondents may file counter affidavit within three weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.
7. List thereafter.
8. Till the next date of listing, the petitioner nos. 1, 2, 4, 5, 6, 7 and 8 may not be arrested consequent to the impugned F.I.R. dated 19.09.2023 giving rise to Case Crime No. 124 of 2023, under

Sections 498A, 323, 504, 506 I.P.C. and Section 3/4 of D.P. Act,  
Police Station- Pinhat, District- Agra.

9. This protection shall be available either till the next listing or till submission of police report under Section 173(2) Cr.P.C., whichever is earlier. It is also provided that the petitioner nos. 1, 2, 4, 5, 6, 7 and 8 shall fully cooperate in the investigation, failing which they shall not be entitled to the benefit of this order.

10. The petition on behalf of petitioner no. 3 is hereby dismissed as there are specific allegations against him.

**Order Date :- 11.12.2023**

Anjali